

(b) This order shall be transmitted to the Congress and published in the *Federal Register*.

William J. Clinton

The White House,
August 19, 1997.

[Filed with the Office of the Federal Register,
11:16 a.m., August 20, 1997]

NOTE: This Executive order was published in the *Federal Register* on August 21.

Letter to Congressional Leaders on Iran

August 19, 1997

Dear Mr. Speaker: (Dear Mr. President:)

On March 15, 1995, I reported to the Congress that, pursuant to section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)) ("IEEPA") and section 201(a) of the National Emergencies Act (50 U.S.C. 1621(a)) ("NEA"), I had exercised my statutory authority to declare a national emergency to respond to the actions and policies of the Government of Iran and to issue Executive Order 12957, which prohibited United States persons from entering into contracts for the financing or the overall management or supervision of the development of petroleum resources located in Iran or over which Iran claims jurisdiction. On May 6, 1995, I exercised my authority under these statutes and under section 505(a) of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa-9(a)) ("ISDCA") to issue Executive Order 12959, which imposed additional measures to respond to Iran's intensified efforts to acquire weapons of mass destruction and to its continuing support for international terrorism, including support for acts that undermine the Middle East peace process. Executive Order 12959 imposed a comprehensive trade and investment embargo on Iran.

Following the imposition of these restrictions, Iran has continued to engage in activities that represent a threat to the peace and security of all nations. I have found it necessary to take additional measures to confirm that the embargo on Iran prohibits all trade

and investment activities by United States persons, wherever located, and to consolidate in one order the various prohibitions previously imposed to deal with the national emergency declared on March 15, 1995. I have issued a new Executive order and hereby report to the Congress pursuant to section 204(b) of IEEPA (50 U.S.C. 1703(b)), section 301 of the NEA (50 U.S.C. 1631), and section 505(c) of the ISDCA (22 U.S.C. 2349aa-9(c)).

The new order I have issued with respect to Iran confirms the prohibition of the following transactions:

- importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran, except information or informational material;
- exportation, reexportation, sale, or supply from the United States or by a United States person, wherever located, of goods, technology, or services to Iran or the Government of Iran, including knowing transfers to a third country for direct or indirect supply, transshipment, or reexportation to Iran or the Government of Iran, or specifically for use in the production of, commingling with, or incorporation into goods, technology, or services to be supplied, transshipped, or reexported exclusively or predominantly to Iran or the Government of Iran;
- reexportation from a third country by a person other than a United States person of certain U.S. origin goods, services, or technology that are subject to export license application requirements under any United States regulations imposed independently of this embargo;
- purchase, sale, transport, swap, brokerage, approval, financing, facilitation, guarantee, or other transactions or dealings by United States persons, wherever located, related to direct or indirect trade with Iran or the Government of Iran or to goods or services of Iranian origin or owned or controlled by the Government of Iran;

- new investment by United States persons in Iran or in property or entities owned or controlled by the Government of Iran, making clear that the applicable dates under the prior orders continue to govern for purposes of defining “new” investments;
- approval, financing, facilitation, or guarantee by a United States person of any transaction by a foreign person that a United States person would be prohibited from performing under the embargo; and
- any evasion, avoidance, or attempt to violate a prohibition under the order.

By confirming that United States persons are prohibited from engaging in any trade- or investment-related activities with Iran, I want to make clear that this means all direct or indirect involvement in such activities wherever those activities occur.

This new Executive order provides that the Secretary of the Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of the order. There are certain transactions subject to prohibition under this order that I have directed the Secretary of the Treasury to authorize through licensing, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and other international obligations and U.S. Government functions. In addition, under appropriate conditions, United States persons may be licensed to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Turkmenistan, and Kazakhstan.

The new Executive order takes effect at 12:01 a.m. eastern daylight time on August 20, 1997. Revocation of corresponding provisions in prior Executive orders does not affect the applicability of those provisions, or of regulations, licenses or other administrative actions taken pursuant to those provisions, with respect to any transaction or violation occurring before the new Executive order takes effect. Specific licenses issued pursuant to prior Executive orders continue

in effect, unless revoked or amended by the Secretary of the Treasury. General licenses, regulations, orders, and directives issued pursuant to prior orders continue in effect, except to the extent inconsistent with this order or otherwise revoked or modified by the Secretary of the Treasury.

The declaration of national emergency made by Executive Order 12957 remains in effect and is not affected by this order.

Sincerely,

William J. Clinton

NOTE: Identical letters were sent to Newt Gingrich, Speaker of the House of Representatives, and Albert Gore, Jr., President of the Senate.

Memorandum Authorizing the Transfer of Agency for International Development Appropriations

August 20, 1997

Memorandum for the Administrator of the Agency for International Development

Subject: Determination Under Section 610(a) of the Foreign Assistance Act of 1961, as amended, to Transfer \$17.5 million to the Operating Expenses Appropriation

Pursuant to the authorities vested in me by sections 109 and 610(a) of the Foreign Assistance Act of 1961, as amended (the “Act”), I hereby determine that it is necessary for the purposes of the Act that \$17.5 million appropriated for fiscal year 1997 to carry out chapter 1 of part I of the Act be transferred to, and consolidated with, appropriations made to carry out section 667(a) of the Act. I hereby authorize such transfer and consolidation.

This determination shall be effective immediately, and you are authorized and directed to publish this determination in the *Federal Register*.

William J. Clinton

[Filed with the Office of the Federal Register, 8:45 a.m., August 21, 1997]

NOTE: This memorandum was published in the *Federal Register* on August 22.